

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re REFCO INC. SECURITIES LITIGATION

Case No. 07-md-1902 (JSR)

This Document Relates to:

KENNETH M. KRYS, *et al.*,

Plaintiffs,

v.

DEUTSCHE BANK SECURITIES INC., *et al.*,

Defendants.

Case No. 10-cv-3594 (JSR)

**NOTICE OF MOTION FOR  
SUMMARY JUDGMENT**

**ORAL ARGUMENT  
REQUESTED**

PLEASE TAKE NOTICE that, upon Moving Defendants' Memorandum of Law in Support of Summary Judgment, and the accompanying Rule 56.1 Statement and Declaration of James J. Capra, Jr., dated August 2, 2012 and the exhibits thereto, at a time and location to be determined, defendant Deutsche Bank Securities Inc. ("DBSI") will move this Court for an order dismissing the remaining count of the Complaint directed at DBSI (Count IV) pursuant to Rule 56 of the Federal Rules of Civil Procedure, and granting such other and further relief as the Court deems just and proper.<sup>1</sup> Plaintiffs' response to the motion is due on August 23, 2012 in accordance with the directive of the Special Master.

<sup>1</sup> In seeking leave to file this motion, DBSI and the other moving defendants reserve their right to move for summary judgment on other grounds at the appropriate time, if necessary. Plaintiffs consented to these motions being heard on an expedited basis in advance of summary judgment motions on other issues, and the Special Master, in consultation with the Court, agreed to hear them at this time. See emails dated July 30 and 31, 2012 among Special Master Capra, counsel for plaintiffs (Dennis Blackhurst) and counsel for Credit Suisse Securities (USA) LLC and Merrill Lynch, Pierce, Fenner & Smith, Incorporated, as successor-by-merger to Banc of America Securities LLC, and on behalf of moving defendants (Philip Anker).

Dated: New York, NY  
August 2, 2012

Respectfully submitted,

LINKLATERS LLP

By: /s/ James R. Warnot, Jr.

James R. Warnot, Jr.

Ruth E. Harlow

Robert H. Bell

1345 Avenue of the Americas

New York, NY 10105

(212) 903-9000 (telephone)

(212) 903-9100 (facsimile)

Attorneys for Deutsche Bank Securities Inc.